

AUG 16 2011

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JUAN JESUS LOPEZ-GANDARA, a.k.a.
Juan Jesus Lopez, a.k.a. Chino,

Defendant - Appellant.

No. 10-50234

D.C. No. 2:10-cr-00110-DMG

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Dolly M. Gee, District Judge, Presiding

Submitted August 11, 2011**

Before: THOMAS, SILVERMAN, and CLIFTON, Circuit Judges.

Juan Jesus Lopez-Gandara appeals from his guilty-plea conviction and 46-month sentence for being an illegal alien found in the United States following deportation, in violation of 8 U.S.C. § 1326. Pursuant to *Anders v. California*,

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

386 U.S. 738 (1967), Lopez-Gandara's counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record. We have provided the appellant with the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

We remand the case to the district court with instructions that it strike the special conditions of supervised release on page 4 of the judgment which place various financial constraints on Lopez-Gandara because these requirements were included in the written judgment but not imposed at sentencing. *See United States v. Napier*, 463 F.3d 1040, 1042 (9th Cir. 2006); *see also United States v. Hicks*, 997 F.2d 594, 597 (9th Cir. 1993).

Counsel's motion to withdraw is **GRANTED**, and the district court's judgment is **AFFIRMED**.

AFFIRMED; REMANDED to correct the judgment.